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MISCELLANEOUS COLONIAL DOCUMENTS.

FROM THE ORIGINALS IN THE VIRGINIA STATE ARCHIVES.

DRAFT OF PROCLAMATION FOR A FAST,¹ 1711.

By Her Maty's Lt. Governor & Commander in Chief of the
Colony of Virginia.

A Proclamation for a Fast.

Whereas Our Most Gracious Sovereign out of her Pious Zeal to propagate the Protestant Religion & extirpate Popish Superstition and Idolatry, as out of a just honour of the Raperies & Murders daily committed on her People by the French & Indian Salvages in their interest; & as well for Restoring the Crown of Great Britain to its Ancient Rights in North America, as for Setling Quiet & Happiness to all her Subjects on this Continent: has thought fitting to send a very Considerable part of Her Fleets & Armys on an Expedition to Reduce Canada.

And whereas Her Most Sacred Majesty has commanded that about the time when Her said Forces shall proceed on this important Expedition, a Day of publick Fasting & Humiliation be kept in her several Dominions on this Continent to implore the Blessing & Mercy of Almighty God in protecting Her Arms employ'd in this just & necessary undertaking & giving them success therein.

I have therefore, with the Advice of Her Maty's Council of this Colony Thought fitt to issue this Proclamation Appointing [Date left blank].

¹ This proclamation was doubtless issued early in the summer of 1711 when the English fleet under Sir Hovenden Walker with its accompanying land forces under General Hill was at Boston preparing for a campaign against Quebec. As is well known it proved an utter failure. The "Raperies and murders" referred to were committed during the bloody incursions of the French and Indians into New England.

[Endorsed] Procl'n for a day of Fasting & humiliation & to pray for Success of the expedition against Canada.

WILLIAM ROBERTSON² TO PERRY & Co., 1705.

Virg'a, July 16th, 1705.

Mr. Perry & Compa.

Gents

Being appointed by his Ex'cy the Gov'r & her Ma'tys Council here to receive her Ma'tys Revenues of Q'rents &c of this Colony since ye death of Mr Aud'r Byrd, and by an ord'r of Council directed to remitt to you the bills I have received on that account to be received by you and lodged in yo'r hands for her Ma'tys use I have accordingly herewith sent you several first bills of Excha' amounting to ye Sum of £1669.11..4, it being the full Sum of her Ma'tys Revenue of Q'rents for the year 1704. I send you also inclosed a copy of the order of Council, this that you may see how his Ex'cy & ye Council would have you charge this years bill p. ye Strom-bulo & you'l receive ye s'd Bills by the Oxford. I hope there will not be many of them p'tested but if any should I am directed by his Ex'cy & the Council to request the favor of you to return them speedily hither.

I wish these safe with you and remain

Gents

Yo'r most obed't humble Serv't

[Endorsed]

3d Bills of Excha' for the Qt. rents, 16 July, 1705.

PETITION IN REGARD TO IMPOSTS³ ON TOBACCO.

To his Excellency Coll'n Edw. Nott her majestys Governour

² William Robertson, clerk of the Council, had evidently been given a *pro tempore* appointment as receiver of quit rents after William Byrd's death. William Byrd (2d) was appointed in this year to the office of Receiver General in his father's place.

³ Though this petition is signed by two such men as Francis Makemie,

of ye Dominion of Virginia. The petition of Sundry Inhabitants of Virginia & Maryland And Traders In Behalf of y^m Selves & many more &'d.

Most Humbly Sheweth

That Whereas There are Laws In both Governments of Virginia & Maryland, for paying an Impost of Two Shillings p Hog'd of all Tobaccoe planted In and Exported Each Government or Colloney.

And Whereas These Two Colloneys being Contiguous and Neighbour Collonyes and much Under ye Same Circumstances & a Joynt Trade has been Carryed on Since Theire Origionall Settlement, & Ships Lying upon or neare ye Divisionall Line: have Equally Traded With & Brought Tobaccoe from both Collonys Without paying Double Impost to both Governments for ye Same Tobaccoe butt a Certificate from Officers of Either Government That it was once paid, was Allways allowed of untill of Late by ye Avarice & Illegall, and Oppressive Practices, of Some officers on ye Eastern Shore of Virginia, who have Extorted Itt from Sundry Inhabitants and Traders from Maryland, haveing noe Regard to Certificate Produced, and Whereas This practice is without all Coller of Law and not Used In any place of Maryland and begins to Spread Over Virginia; from ye Example of Accomake, & tho Sundry Complaints were Laide before Coll'n Francis Nicholson While Governour of Maryland and Virginia, yett Without any Redress, and all This to ye Unjust and Illegall oppression of your Excellencys Humble Petitioners. & many more & Great Discouragement of Trade, to these parts, So y^t our Tobaccoe is Lying Ready to perish for want of freight.

We Therefore your humble Petitioners Earnestly pray y^t noe such Illegall Practices may be Allowed of for ye future and Restitution may be made by ye said Officers, of all Sums

the father of Presbyterianism, and Andrew Hamilton, afterwards the famous Philadelphia lawyer, it is most probable that the collectors of the imposts had found that the arrangements which had existed gave too great opening for fraud.

Unjustly & Illegally Exacted of Sundry persons on This Account & your petitioners as In duty bound Shall allways Pray.

Virginia

Francis Makemie, A. Hameton, John Parker, John Wise, Samuel Browne, Thomas Preston, Jno. Wise, Ju'r.

Maryland

Fra's Jenckins, John M^WWilliams, Matt. Scarbrough, Edmund Martin, John Franklyn, James Colpoll, Ephrain Heather, Will'm Rownd, James Govan, Nath'l Hopkins, William Robeson, Adam Spencer, Wm. Fossitt, Wm. Noble, Ju'r, Ralph Milbourne, S'll Hopkins, Sen'r, Wm. Harrison, Wm. Tuttington, Charles Crawford, Alex'r Browne, Sam. Hopkins, Jun'r, Alex'r Carlyle, Thomas Ball, Jno. Custis.

[E'dorsed].

Pet. of Inhabitants of ye Eastern Shore of Virg'a & Mary'd,
Nov. 2d, 1705. Rejected.

REQUEST⁴ FROM MARYLAND TO VIRGINIA FOR RENDITION OF
A CRIMINAL, 1707.

Hon'ble S'r:

This her Ma'tys Province of Maryland being much disturbed by the dangerous and evill practices of Richard Clarke late of Ann Arundell County (who you will see by the inclosed Act of Assembly Stands outlaw'd for Felony and Treason): And hath now lately contrived & endeavoured to blow up our Magazine at Annapolis, (& their gett a Vessell to go on pyrateing to Madagascar,) is the Occasion I am obliged to give you this Trouble to intreate yo'r Assistance that the Said Richard Clarke may be apprehended, & delivered up to this Governm't. I believe Your Councill Records take Notice of my Application to Colonel Nicholson, & that He issued out his Proclama-

⁴This is one of the few examples which is preserved among our records of the method of obtaining rendition of criminals from one colony to another.

tion for the apprehending him; but that Seeming now to be forgott, Wee are inform'd Said Clarke often uses Your Colony, and particularly the Rose & Crowne at one Cartwrights in Elizabeth River, and at John Sprys & one Smiths in little Wiccocomico in Northumberland County; At which last Place Wee have great reason to thinke he now is wayting ye Returne of Said Spry from Maryland with a Shallop in his Service. He goes by the name of Robert Garrett, is a thick well Sett man, neare forty years old, short darke haire, a flat Nose, & his under jaw overjetts his upper Lipp. I have with ye Advice of her Ma'tys hon'ble Councill here, Sent the Bearer Major John Freeman Express on this Service to desire You will issue out Your Warrants as Secretly as may be, that he may be taken & delivered up to this Governm't, which will Send a Shallop for him & pay the Messenger on Notice given. He is a notorious Villain and has made many Escapes from the Sherriffs, and others who have had him in Custody; Therefore pray You will give particular Charge for his being well Secured if apprehended.

S'r. Your Justice and kindness herein will be a great Service to this her Ma'tys Government, which at present is made very Uneasye & put to greate Charge by this Villain & his Accomplices. You may depend on any thing Wee can be Serviceable to her Ma'tys Colony of Virginia. You may freely Command

S'r

Your most obliged assur'd humble Serv't

JO: SEYMOUR.

S'r. Please to take Notice in y'r Warrt' that the person apprehending & delivering Clarke to those authorized to receive him by this Governm't shall receive as a Reward twenty pounds Sterl. which I promise to see them payd.

The inclosed l'res are all come to my hands for Col. Not without any Box.

Maryland Aprill 5th 1707.

[Endorsed]

Gov'r Seymours lett'r Apr: 5th 1707. Rec'd 10th of Aprill,
1707, from ye Govern'r of Maryland.

PETITION FOR PASS TO LEAVE VIRGINIA, 1708.

To her Ma'tys most Hon'ble Councill of State in Virg'a
William Timley most Humbly Sheweth

That Whereas by ye Laws of this Collony It is Enacted
y't no master of a Ship or Vessell Shall Export or carry out
of this Collony any p'son or p'sons (under certain penaltys)
but what shall first Obtaine a pass Signed by ye Secretary or
his Deputy w'ch pass shall be granted to him or them y't shall
Obtaine a Certificate (from ye Clerk of ye County Court ye
p'son requiring ye pass shall be a Resident in) of his publica-
tion of Departure at ye Court House dore of ye said County
Or that shall give bond and Security for his pass.

Now So it is y't Yo'r Honors humble petitioner not having
ye Benefitt of his goods & Chattels Rights & Credits to Oblige
as Security for his Departure hath Published his Intentions of
departure & Obtained a Certificate thereof as ye Law Directs
& Demanding his Pass of McChichly Corbin Thacker Deputed
for passes in York River is Denied ye Same by the Secretary
& his Deputy aforesaid not showing any reasons. But denying
a Copy of ye Caveat if any Entered all w'ch denyall as yo'r
petitioner conceives is a Denyall of ye Subject his Rights &
Priviledges And therefore most Humbly prays relieie from
Yo'r Honors herein

And as in Duty Bound shall pray

[Endorsed]

Pet'n of Wm. Timley, ——— 1708.

PETITION OF THE VISITORS AND OF WILLIAM AND MARY COL-
LEGE TO GOVERNOR JENNINGS.

To the hon'ble Edmund Jennings Esq'r. President and the
hon'ble Council of State.

The Visitors and Governors of the College of William and
Mary humbly Represent

That whereas the Gen'll Assembly thought fitt to grant to the said College an Imposition on all Skins and furr's exported out of this Colony which Imposition is one of the most Considerable branches of the Revenue of the said College & arises by a trade for many years carryed on by the Southern and Western Indians. The said Trustees have with equal grief and surprise received information that the Government of Carolina have lately taken upon them to interrupt that Trade first by seizing the effects of the Traders and now by laying heavy dutys equal to a prohibition on their Commodities under pretence that the Indians with whom we Trade live within the bounds of their Charter.

The said Visitors and Governors think themselves obliged to represent to ye Hon'rs that the Indians with whom the said Trade is carryed on are not under the Government of Carolina. That consequently they have no power to impose dutys on Commodities carryed thither or from thence. That the laying dutys on European Commodities exported through any plantation to another hath never been encouraged and we hope will not in this Case. That the goods vend'd in this Trade being Course Cloaths, Guns, hatchets beads powder and shott and other European Commodities which the Inhabitants of this Colony import directly from England, the Consumption of those kind of Merchandize will be considerably lessened if our Trade be interrupted and Carolina permitted to engross all since tis well known they have a constant Clandestine Currasoa & St. Thomas and import European goods from thence besides they have not such Convenience of shipping from England as the Inhabitants of this Colony have to furnish them with Supplies by which means it is that they neither export from England such quantities nor can afford to sell them so Cheap And since it is the interest of Brittain to encourage that Trade which exports most of the british Manufactures. The said Trustees humbly hope that by Yo'r hon'rs favourable

Representation of this Trade to the Lords Comm'rs for Trade, the unwarrantable encroachments of the Government. . . .
 . . . a Check and that the Indians Trade so much for the interest of England and beneficial for this Country, and so necessary for the support of the College will be encouraged and left open to all the Inhabitants of this Colony as hath been usual heretofore.

[Endorsed]

Representacon from the Gov'rs of the College. 1708.

RELIGIOUS DIFFERENCES BETWEEN GEORGE WALKER⁵ AND WIFE.

. 24th, 1708.

To The Honer'le The president And Councill Geo: Walker
 Humbly Sheweth.

That Mr. Wm. Robinson Clarke of the Honer'le Councill was pleased to Give me Notice that on the Consideration y'r Honers had on the petition presented to y'r Honers against me which Said petition Seems to Be from my wife y'r Honers was pleased to make an order that on Wensday morning Next Both my wife and my Selfe Shuld apear Before y'r Honers In Councell: But y'r petitioner knowing the weeknes and tenderness of her Body and her Incapacity of takeing Such a Jorney as only feareing her not be to Be able to Go through Such a troble and tharefore I Rather Chouse to Lett her have her Choice wheather She will Be willing to take the troble of

⁵ George Walker of Elizabeth City county, had married Anne, daughter of the celebrated George Keith, at a time when she, like her father, was a Quaker. As is well known George Keith became a minister of the established church, a missionary from the society for the propagation of the Gospel, and a bitter antagonist of his old faith. His daughter changed with him, but George Walker, less changeable in his beliefs, remained a Quaker. See *William & Mary Quarterly*, IX 127, 128, for extracts from the Council Journal in regard to this matter, from the Journals of George Keith and Samuel Bownas, and a notice of the Walker family. George Wythe, signer of the Declaration of Independence, was a grandson of George and Anne Walker.

Coming Before y'r Honers, or wheather She will Be willing to Submit to the Substance of Such a Judgment as I Dout not but y'r Honers will Be willing to Give in this afair the Substance of which I have Drawn up Redy to produce to y'r Honers the method and form I frely Submit to y'r Honers of the S'd Judgment which I hope y'r Honers when Considered will willingly Grant and if She Excepts the Said Judgment and will abide By it what Ever is past I will forgit and Remember No more and tho I Canot forward her in the Religion I am not of my Self yett I will never Hinder her from Exerciseing it her Selfe in w't nature. She pleasis: and if She had Rather take the troble to Be farther Heard Before y'r Honers I Shall Be Redy and willing to apear according to the S'd order I am advised of. But I Do assure y'r Honers its Not out any feare of her or anything She Can Do against me Before y'r Honers that Induces me to Give her this Choice but the Love I have had for her and the unability of her Body and I have No Dout but if Now more Busey in thare Nibours Maters then Carefull of thare own be two oficeious in this mater She will Redyly Comply with yo. Judgment I Desier; I Remain willing to Be Serviceable to y'r Honers Whilst I am

G. WALKER.

[Endorsed]

George Walkers pet'n & proposals April 1708.

[The signature is in a different hand from the rest of the paper and is the large bold hand noticed as that of many of the educated men.]

[Enclosure]

W'msBurgh Apr'll The 25th, 1708.

Ann Walker. This Day was Exhibited to us in Councell a petition which S'd petition we take to Be from yo and accordingly we have had y'r husband this Day Before us in Councell to answare the Said petition upon hereing of which he only Desiers to have that athorety over his Childr. that properly Belongs to Every Christian man: that is to Bring up his Childr. in whatever Christian Religion he may Be of that is priveliged

By our Christian Laws: and it Seems to be hard that any person w't ever Shall Indever or undertake to prevart or persuad any Mans Children against the Instructions and admonitions of the father: y'r husband Seems to Be very Willing to Give yo all manner of Liberty to Injoy y'r Religion provided yo Leave the Instruction of all his Children to him and that yo will Not Cause them to Read any Books Except the Scripture but Such as he alows of and that yo forbare to Incense and persuad any of his Children against his Religion as Long as he professes to Be a Christian and Continews in the Exercise of it and also forbare to Interprat or Expound any part or portian of Scripture to any of his Children without his Leave or advice if he be willing to Expound Such portions as may hapen to Com in Dispute or that any of his Children may Desier to Be Informed in: We tharefore as y'r freinds Not Being Willing to Give further trouble: if y'r husband will Give yo Liberty to Injoy y'r Religion without Interruption: he ought to have all the Liberty above Desiered: But if yo Can prove that he is Not a Christian and So Consequently Not within the virge of our Christian Laws then we are willing to heare yo on Wens-day Morning Next but wee Shuld be Glad yo Could Be Reconcilled without Such proceedings.

[Endorsed]

Answer by Gov'r & Council to Mrs. Walker's Petition.

COL. CHURCHHILL'S EXCUSE.

Pine top, ye 7th September, 1709.

Hon'ble S'r.

Last Night I Rec'd yours, And am Sorry to tell you that I Cant possibly Wait on you on Monday next, I Must Beg yo'r Honors Pardon and Excuse. I have been So Delayd all this Sumer by fair pr'tences w'ch has put my Business much behind hand, and the Ships now hurrying away that puts me to a great Strait that I have not an hour to Spare.

I had a Letter at Our Court from mr Perry of the 3d May

wherein he Saith Coll Hunter told him he had ye promise of
a Man of Warr to attend him As Soon as he was Ready.

I am w'th great Respects your

Hon'rs most Hum'ble Servant

W. CHURCHHILL.⁶

[Addressed]

To The Hon'ble Edmond Jenings Esq'r. Her Maj'tys Presi-
dent of Virginia.

These

[Endorsed]

Cott. Churchils Excuse. 1709.

PETITION OF THOMAS MORGAN, &C., 1709.

Virginia sc't.

To the Hono'ble the President and Councell of State
Thomas Morgan, John Winter, John Mageniz & George
Wood most humbly

Shew

That whereas they being ye persons belonging to the Brig-
antine Sea flower that have been Comitted to & layn in Goal
Some time past for Some misdemeanors alledged against them
to be by them Comitted on board of s'd Brigantine are Sorry
for what they have done amiss and humbly Submit them
Selves to yo'r honours to doe with them what to you shall
seem meet assuring yo'r hono'rs that if you will be pleased

⁶ William Churchill, who was born at North Aston, Oxfordshire, England (as stated in his will) about 1650, and died in Virginia in November 1710, came to the Colony as early as 1674. He settled in Middlesex county and became a man of wealth and prominence. He was appointed to the Council in 1705. He married Oct. 5, 1703, Elizabeth, daughter of Col. John Armistead of Gloucester county, and widow of Ralph Wormely, of "Rosegill," Middlesex. There were two seats of the Churchills in Middlesex, "Bushy Park," on the Rappahannock, and "Wilton" on the Pianketank. For account of the family see *Wm. & Mary Quarterly*, VII, 186-188, VIII, 47-50, 200-202, IX, 246-249; X, 39-44. The arms of the family as shown by old seals and silver plate, are *sa. a lion ramp. ar. debruised with a bendlet gu. crest: out of a ducal coronet or, a demi lion ramp. ar.*

to admitt them to their Stations on board ye s'd Brigatine they will to ye utmost of their power Serve Her majesty & the Country therein or otherwise as you shall think fit.

JOHN MAGENIS

THOMAS MORGAN.

JOHN WINTER.

his

GEORGE X WOOD.

mark

June 2d, 1709.

[Endorsed]

Prisoners petition, 1709.

PETITION OF HENRY CARY IN REGARD TO THE GOVERNOR'S HOUSE,¹ 1709.

To the Honorable Edmond Jenings Esquire ye P'sident of his Majesties Councell of Virginia & to . . . of y'r Honorable Councell Henry Cary moste sheweth.

That whareas your Petetitor was ordered and Empowered by ye late Generall Assembly to build a dwelling house & out houses for ye Quens Governor have accordingly used ye utmost of my Endeavor to performe ye same & have buelt & almost finished ye Kitchen & Carryed up ye wall & raysed ye roffe of ye Dwelling house & Covored itt with planks & layed on ye lead upon ye flatt of ye roffe & whare as ye s'd Assembly ordered ye s'd house to be Covored with stone slate which was sent for accordingly & are Com in butt are soe broke in Com-ing y't not two thirds of them are fitt for use & those y't are fitt Cannot mett with or here of any workeman y't under-

¹ At the session of October 1705 the General Assembly directed that a brick house, fifty-four feet in length, and forty-eight in breadth, inside measurement, two stories with a cellar, should be built as a residence for the Governors. Henry Cary was appointed overseer of the work (*Hening* III 285.) At the session of Oct. 1710 as the house had not been finished, another appropriation was made, with provision for gardens and house furniture, and Henry Cary again made overseer (*ib.* III, 482.)

stands how to lay them soe y't ye house is still uncovered onely with planks which is not suffishant to make itt tite & soe Consequently ye timber worke will receive much Damadg by ye raine y't Come in doe therefore most humbly pray y't your Honors will please to take ye s'd buielding into your Consideration & Give such directions therein as you think fitt.

[Endorsed]

Mr. Henry Cary, 16th April, 1709.

(TO BE CONTINUED)

HISTORICAL AND GENEALOGICAL NOTES AND QUERIES.

ENGLISH RECORDS RELATING TO VIRGINIA.*

It has been deemed useful to collect some of the abstracts and notices of papers relating to Virginia which are scattered through the numerous volumes of the reports of the English Historical Manuscripts Commission. Their entries not only give valuable facts; but show the student where documents are. From report on the manuscripts of the Earl of Dartmouth, Vol. II, London, 1895. The pages given are those of the reports. The notes are by the Editor of this magazine.

VIRGINIA.

[1676] Paper endorsed: Copy of the 6th Article of Additional Instructions to the Commissioners of Virginia: "You shall declare void and null all the proceedings of the late Assembly wherein the said Nathaniel Bacon and his Accomplices were pardoned and force and violence offered to the Assembly."

[The Assembly referred to was that held under Bacon's influence in June, 1676.]

VIRGINIA.

[1676] Paper endorsed: Copy of the 6th Article of the Propositions

* In addition to papers relating only to Virginia some others have been included which refer to the Colonies in general.